

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

In re SPECIALTY TRUST, INC.)
 _____)

TOM GONZALES,)

Plaintiff,)

vs.)

DESERT LAND, LLC et al.,)

Defendants.)
 _____)

3:11-cv-00613-RCJ-VPC

ORDER

Plaintiff Tom Gonzalez sued Defendants in state court on several state common law causes of action. Defendants removed the case to the bankruptcy court pursuant to 28 U.S.C. § 1334(b). Judge Zive has recommended withdrawal of the reference, and Defendants have moved for the Court to adopt the recommendation.

It is clear from the substance of the Complaint that Plaintiff ultimately seeks interpretations and enforcement of an existing confirmation order under Title 11. Therefore, it would normally be appropriate for the case to remain referred to the bankruptcy court, so that the judge who issued the disputed core bankruptcy order could interpret it in the first instance. However, as Judge Zive has noted, in this case I myself made the relevant rulings as a bankruptcy judge before being invested as a district judge in 2003. Under these circumstances, I will grant the request to withdraw the reference pursuant to 28 U.S.C. § 157(d), and assign the case to myself pursuant to Local Bankruptcy Rule 5011(e).

IT IS HEREBY ORDERED that the Motions to Withdraw the Reference (ECF Nos. 1, 4) are GRANTED.

16 IT IS FURTHER ORDERED that the case is ASSIGNED to this Court for further
17 proceedings.

19 Dated this 7th day of October, 2011.

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